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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,255	01/30/2006	Akito Fukui	L9289,06108	3522
52989 7590 03/09/2009 Dickinson Wright PLLC James E. Ledbetter, Esq. International Square 1875 Eye Street, N.W., Suite 1200 Washington, DC 20006				
			EXAMINER ANWAR, MOHAMMAD S	
			ART UNIT 2416	PAPER NUMBER
			MAIL DATE 03/09/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/566,255

**Applicant(s)**

FUKUI, AKITO

**Examiner**

MOHAMMAD ANWAR

**Art Unit**

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/15/09 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 1/15/09 have been fully considered but they are not persuasive.

In regards to applicant arguments that the internal network forwarding of packet is implemented in a RNC instead of control node such as SGSN even though it was mentioned in the previously cited reference Anderson et al. (see paragraph 13 lines 17-25, the packet is tunneled through RNC which has control unit functionality). However, a newly cited reference (Fujino) is provided to clarify that the routing functionality resides within RNC.

2. All drawing objections, specification objections and 35 U.S.C. 101 rejections are hereby withdrawn.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujino (U.S. Patent No. 7,319,676 B2) in view of Helander et al. (U.S. Patent No. 6,735,187 B1).

**For claims 1 and 4**, Fujino discloses a radio network control apparatus (see Figure 1 (15-18)) in a radio packet communication system (see Figure 1), the radio packet communication system comprising. a user communication apparatus (see Figure 1 (19-20)) and operator communication apparatus that performs communications with the user communication apparatus (see Figure 2 (200)) and a communication network that performs communications with both the user communication apparatus and the operator communication apparatus (see Figure 2), the user communication apparatus comprising: the a radio network control apparatus connected between the internal network and the operator communication apparatus (see Figure 1, RNC (15-18) in between MS and operator communication apparatus (200)). an internal server connected to the internal network (internal server functionality resides within RNC); a mobile communication terminal apparatus that performs communications with the base station apparatus by radio signal, wherein the radio network control apparatus comprises: the user apparatus comprising: an internal address table that stores addresses of packets to be directly transferred to the internal server (see Figure 2 (32,33); a determiner that compares an address of a packet from the mobile communication terminal apparatus with the addresses in the internal address table to be directly transferred to the internal server to determine whether or not the packet from

the mobile communication terminal apparatus is to be directly transferred to the internal server (see column 6 lines 52-62, a judgment method if the packet has to be routed internally); and a section that directly transfers the packet to the internal server through the internal network when the determiner determines that the packet is to be directly transferred to the internal server (see Figure 2 where the packet is internally transferred MS 19 to MS 20A). Fujino disclose all the subject matter but fails to mention a base station apparatus connected to the internal network; mobile communication terminal apparatus that performs communications with the base station apparatus by radio signal. However, Helander et al. from a similar field of endeavor disclose a base station apparatus connected to the internal network (see Figure 2); mobile communication terminal apparatus that performs communications with the base station apparatus by radio signal (see Figure 2). Thus, it would have been obvious to one ordinary skill in the art at the time of invention was made to include Helander et al. base station into Fujino mobile communication scheme. The method can be implemented in wireless network. The motivation of doing this is to provide an arrangement of interconnecting an end user local network and packet data communication network (see column 2 lines 35-39).

**For claim 6**, Fujino disclose wherein information related to an internal server access (see Figure 1, RNCs have the internal servers functionality) and transmitted from the mobile communication terminal apparatus (see Figure 1, mobile stations) is received through the base station apparatus and the internal network (see Figure 1 (100), internal network) and is transmitted to a serving general packet radio service support node of the operator communication apparatus through the communication

network (see Figure 1 (200)). Fujino disclose all the subject matter but fails to mention a base station node in between RNC and MS. However, Helander et al. from a similar field of endeavor disclose a base station node in between RNC and MS (see Figure 2). Thus, it would have been obvious to one ordinary skill in the art at the time of invention was made to include Helander et al. base station into Fujino mobile communication scheme. The method can be implemented in wireless network. The motivation of doing this is to provide an arrangement of interconnecting an end user local network and packet data communication network (see column 2 lines 35-39).

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD ANWAR whose telephone number is (571)270-5641. The examiner can normally be reached on Monday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick W. Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MOHAMMAD ANWAR  
Examiner  
Art Unit 2416

/M. A./  
Examiner, Art Unit 2416

/Derrick W Ferris/  
Supervisory Patent Examiner, Art Unit 2416

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